IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 24680 of 2007(K)

PETITIONER:

E.M.SUMATHY, W/O V.V.PRABHAKARAN,
HIGH SCHOOL ASSISTANT (MAL),
CHENTHRAPINNI HIGH SCHOOL, THRISSUR DISTRICT.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN
SRI.MAHESH V RAMAKRISHNAN

RESPONDENTS:

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1. THE DISTRICT EDUCATIONAL OFFICER,
CHAVAKKAD, THRISSUR DISTRICT.

2. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.

3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

4. A.T.JOSEPHINE, H.S.A.(SANSKRIT),
CHENTHRAPINNI HIGH SCHOOL, THRISSUR DISTRICT.

5. THE MANAGER,
CHENTHRAPINNI HIGH SCHOOL, THRISSUR DISTRICT.

6. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SMT. SUDHA
ADV. SRI.M.S.UNNIKRISHNAN
SMT.S.KARTHIKA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 24680/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE JUDGMENT IN WPC NO. 16568/07 OF THIS HON'BLE COURT

EXT.P2. COPY OF THE ORDER IN I.A. NO. 8262 OF 2007 IN W.P.C. NO. 16568 OF 2007 OF THIS HON'BLE COURT

EXT.P3. COPY OF THE PROCEDINGS BEARING NO.E1/9834/2007 DT. 7.7.07 ISSUED BY THE 2ND RESPONDENT

EXT.P4. COPY OF THE OBJECTION PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ON 6.8.07

EXT.P5. COPY OF THE OBJECTION PREFERRED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ON 6.8.07

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 24680 OF 2007

Dated this the 22nd day of August, 2007

J U D G M E N T

Having heard learned counsel for the petitioner and the learned Government Pleader and having perused the materials on record, I am satisfied that this is a fit case where the petitioner should be directed to pursue the statutory remedy available to her, if so advised.

2. It is brought to my notice that petitioner has preferred Ext.P5 before respondent No.3 highlighting the so called irregularity and incongruity in Ext.P3 order passed by respondent No.2. However, learned counsel for respondents 4 and 5 submits that respondent No.2 has already issued orders regularising the period of suspension of respondent No.4. Yet again I refrain from making any observation on this aspect. In my view these are all matters which have to be taken up before the appropriate statutory authority, if any of the parties is aggrieved.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.3 to take a decision on Ext.P5, if it is pending before him, strictly on its merit and in

accordance with law, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. Respondent No.3 shall afford sufficient opportunity of hearing to the petitioner and respondents 4 and 5 also, before any decision is taken in the matter.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007